

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BIN KANG et al.,	:	CIVIL ACTION
	:	NO. 14-4010
Plaintiffs,	:	
	:	
v.	:	
	:	
CITY OF PHILADELPHIA et al.,	:	
	:	
Defendants.	:	

O R D E R

AND NOW, this **13th** day of **August, 2015**, for the reasons stated in the accompanying memorandum opinion, it is hereby **ORDERED** as follows:

- (1) Plaintiff's motion to amend the Complaint (ECF No. 27) is **DENIED**;
- (2) Defendants The Trustees of the University of Pennsylvania and Detective Leo Spaeder's Motion to Dismiss and Revoke Plaintiff's In Forma Pauperis Status (ECF No. 20) is **GRANTED in part and DENIED in part**, as follows:
 - a. The Motion to Dismiss is **GRANTED**; and
 - b. The Motion to Revoke Plaintiff's In Forma Pauperis Status is **DENIED**;
- (3) Defendants Ramin Sedehi and John Keene's Motion to Dismiss (ECF No. 33) is **GRANTED**;

(4) Plaintiff's claims in the Amended Complaint (ECF No. 9) under Title VII, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Family and Medical Leave Act are **DISMISSED with prejudice,**

(5) Plaintiff's claim in the Amended Complaint (ECF No. 9) under 42 U.S.C. § 1983 is **DISMISSED without prejudice,** and Plaintiff is granted leave to amend this claim only.¹

It is **FURTHER ORDERED** as follows:

(1) Plaintiff's Motions [sic] to Reconsideration [sic] of Order Grant [sic] the Defendants City of Philadelphia's Motion to Dismiss [sic] Complaint (ECF No. 28) is **DENIED;**²

¹ In the event Plaintiff files another Amended Complaint pursuant to this Order, Defendants need not answer or otherwise respond until and unless the Court so orders.

² "The purpose of a motion for reconsideration is to correct manifest errors of law or fact or to present newly discovered evidence." Max's Seafood Cafe ex rel. Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999) (quoting Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir. 1985)). Further, a party seeking reconsideration must show at least one of the following: "(1) an intervening change in the controlling law; (2) the availability of new evidence that was not available when the court granted the motion for summary judgment; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice." Id.

- (2) Plaintiff's Motions [sic] to Sanction for [sic] Defendants [sic] Failure to Serve John Kenn [sic] and Ramin Sedhi [sic] (ECF No. 31) is **DENIED**;³
- (3) Plaintiff's Motions [sic] to Sanction for Defendants' [sic] Violation of Subpoena (ECF No. 35) is **DENIED**;⁴
- and

Plaintiff requests that the Court reconsider the dismissal of all claims against Defendants City of Philadelphia and Timothy Dych. The Court dismissed these Defendants because "Plaintiff's claims against [them] related[d] solely to allegations against Plaintiff's husband, who has been terminated from the case at his request." ECF No. 26. In the instant motion to reconsider, Plaintiff does not make a showing under any of the Max's Seafood Cafe factors, but rather attempts to plead new allegations that relate to her alone. Because this is an insufficient ground on which to reconsider the order dismissing these Defendants, the Court will deny Plaintiff's motion.

³ Plaintiff appears to contend that Defendants Sedehi and Keene were not served and failed to defend against the Complaint. However, as these Defendants have filed a motion to dismiss, which the Court ruled on above, Plaintiff's concerns are unfounded. Accordingly, the Court will deny the instant motion.

⁴ Plaintiff argues that Defendants failed to respond to her subpoenas. However, Plaintiff's request is premature, as discovery has not commenced in this case. In the event Plaintiff files an Amended Complaint that survives the motion to dismiss stage, the Court will set discovery deadlines at that time and handle all discovery disputes that may arise. Accordingly, the Court will deny the instant motion.

(4) Plaintiff's Motions [sic] to Sanction for Defendants
[sic] Retaliation (ECF No. 36) is **DENIED**.⁵

And it is so ordered.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO J.

⁵ In this motion, Plaintiff appears to be attempting to make additional allegations against Defendants. Because a motion for sanctions is an improper vehicle by which to amend the Complaint, the Court will deny this motion.